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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,337	10/09/2001	Andrew J. Sewell	00-424	6197

719 7590 06/03/2003

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PATENT DEPT.  
PEORIA, IL 616296490

EXAMINER

KLEBE, GERALD B

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/973,337

Applicant(s)

Sewell

Examiner

Gerald Klebe

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 9, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 9 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

*G. Klebe*  
*28 May 03*

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## DETAILED ACTION

### *Acknowledgment*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119 (a)-(d). The certified copy has been placed in the application.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Braud (US 5687809), cited by Applicant.

Braud discloses a work machine arrangement comprising: (**re: claim 1**) a work machine body (2); an extensible arm (3) having an arm longitudinal axis (inferred from Fig 2); an engine cooling apparatus (25) mounted to the machine body and having a cooling apparatus longitudinal axis oriented substantially parallel to the arm longitudinal axis (refer col 2, lines 49-52); and (**re: claim 2**) wherein the cooling apparatus comprises a radiator (25); and (**re: claim 3**) wherein the

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arm is a telescoping arm ((col 2, lines 20-21); and (**re: claim 4**) wherein the arm is pivotable relative to the machine body (col 2, lines 16-18); and (**re: claim 5**) wherein the arm is both pivotable relative to the machine body and telescopes (col 2, lines 16-18).

4. Claims 1-5, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Knight (US 6554558 B2).

Knight discloses a work machine arrangement comprising: (**re: claim 1**) a work machine body; an extensible arm having an arm longitudinal axis; an engine cooling apparatus mounted to the machine body and having a cooling apparatus longitudinal axis oriented substantially parallel to the arm longitudinal axis; and (**re: claim 2**) wherein the cooling apparatus comprises a radiator; and (**re: claim 3**) wherein the arm is a telescoping arm; and (**re: claim 4**) wherein the arm is pivotable relative to the machine body; and (**re: claim 5**) wherein the arm is both pivotable relative to the machine body and telescopes; and (**re: claim 7**) wherein the body includes a rear portion and the cooling apparatus is mounted to the rear portion of the body (refer Fig 2).

***Allowable Subject Matter***

5. Claims 8-9 are allowed.

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Reasons for Allowance***

6. The following is an examiner's statement of the reasons for allowance:

The limitations of independent claim 8 of a work machine arrangement comprising: a work machine body having a rear portion and a body longitudinal centerline; an engine coupled to the body; a telescoping arm connected to the rear portion of the body, the arm having an arm longitudinal axis located on one side of the body longitudinal centerline; an engine cooling apparatus mounted to the rear portion of the body, the cooling apparatus having a longitudinal axis oriented substantially parallel to the arm longitudinal axis and located on the other side of the body longitudinal centerline, and together with the other recitations of the claim are not found in the prior art of record, nor can be formed from any reasonable combination thereof.

Similar limitations are also recited in claim 6.

***Prior Art made of Record***


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Monaghan teaches a work machine arrangement in which the engine cooling apparatus is located mid-section of the work machine and wherein the longitudinal centerline of the cooling apparatus is parallel with centerline of telescoping arm; Kaiser teaches a work machine with an extendable, telescoping arm and an engine cooling apparatus with longitudinal axis coincident with the longitudinal axis of the arm; Brown teaches a work machine with telescopically extendable arm having a longitudinal axis and pivotally mounted at the rear of the machine and wherein the engine and engine cooling apparatus are mounted midway along the


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machine body and have longitudinal axis that is parallel with the longitudinal axis of the arm; Uchioke teaches a work machine arrangement for a rotating platform work machine in which the longitudinal centerline of the engine cooling apparatus is parallel with the work machine body centerline; Brownfield teaches a work machine with telescoping arm and engine cooling apparatus longitudinal centerlines that are mounted orthogonal to each other. These references also teach various other structures having features in common with some of the limitations disclosed in the instant application

***Conclusion***

8. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 703-305-0578, fax 703-308-2571, M-F 8:00 AM- 4:30 PM ET, or to Supervisory Patent Examiner Brian L. Johnson, Art Unit 3618, at 703-308-0885.

  
gbklebe / Art Unit 3618 / 28 May 2003

  
BRIAN L. JOHNSON 5/30/03  
SUPERVISORY PATENT EXAMINER  
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